

Form G-3

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------------|---|-------------------------|
| In re: Cheryl Ann Hurley Wangall |) | Chapter 13 |
| AKA: Cheryl Ann Hurley |) | |
| |) | No. 23-04450 |
| |) | |
| Debtor(s) |) | Judge Deborah L. Thorne |

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on January 03, 2024, at 9:15 A.M., I will appear before the Honorable Deborah L. Thorne, or any judge sitting in that judge's place, **either** in courtroom 682 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street Chicago, IL 60604 **or** electronically as described below, and present the motion of Capital One Auto Finance, a division of Capital One, N.A. [to/for] Relief from the Automatic Stay and Co-debtor Stay, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 160 9362 1728, and the passcode is - . The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

By: James M. Philbrick

James M. Philbrick
Law Offices of James M. Philbrick, P.C.
P.O. Box 351
Mundelein, IL 60060
Phone: (847) 949-5290
jamesphilbrick@comcast.net

CERTIFICATE OF SERVICE

I, Cathy Bush, certify [if an attorney]/declare under penalty of perjury under the laws of the United States of America [if a non-attorney] that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on December 18, 2023, at 5:00 PM.

/s/ Cathy Bush

[Signature]

SERVICE LIST

To UNITED STATES TRUSTEE: Patrick S Layng , USTPRegion11.ES.ECF@usdoj.gov via electronic notification;

TRUSTEE: Marilyn O Marshall , courtdocs@chi13.com via electronic notification;

ATTORNEY FOR DEBTOR: Salvador J Lopez , lopez@robsonlopez.com via electronic notification;

Cheryl Ann Hurley Wangall Debtor, 6908 W Edgewood Rd , Palos Heights, IL 60463 via US Mail.

FLORENCE I ZBONCAK, 6643 W 92ND ST, Oak Lawn, IL 60453 via US Mail.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---------------------------|---|-----------------------------------|
| IN RE: |) | In Proceedings |
| |) | Under Chapter 13 |
| Cheryl Ann Hurley Wangall |) | |
| aka: Cheryl Ann Hurley |) | Case No.23-04450 |
| Debtor(s). |) | |
| |) | Honorable Judge Deborah L. Thorne |

MOTION FOR RELIEF FROM STAY AND CO-DEBTOR STAY

NOW COMES Capital One Auto Finance, a division of Capital One, N.A., by and through its undersigned attorney, and as for its Motion for Relief from Stay and Co-Debtor Stay, states as follows:

1. Capital One Auto Finance, a division of Capital One, N.A. is a creditor of the Debtor and Co-Debtor FLORENCE I ZBONCAK and is seeking relief pursuant to 11 U.S.C. §§ 362 and 1301(c).
2. On April 21, 2021, Debtor Cheryl Ann Hurley Wangall and Co-debtor FLORENCE I ZBONCAK executed a Motor Vehicle Retail Installment Sales Contract for an interest in one, 2021 Chevrolet Traverse Utility 4D LT Cloth 3.6L V6, VIN 1GNERGKW8MJ187162 ("Contract"). A true and correct copy of the Contract is attached hereto as Exhibit "A".
3. Capital One Auto Finance, a division of Capital One, N.A. has a properly perfected interest in the Collateral, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle. A true and correct copy of the Certificate of Title is attached hereto as Exhibit "B".
4. On April 01, 2023, the Debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code.
5. As of December 13, 2023, the total debt owed to Capital One Auto Finance, a division of Capital One, N.A. was \$28,961.84. Movant alleges the value of said motor vehicle is approximately \$29,475.00 pursuant to a N.A.D.A. Valuation attached hereto as Exhibit "C".
6. Debtor and Co-Debtor are in default in the post-petition amount of \$2,150.89. There is no pre-petition arrearage. The last payment was received on November 07, 2023.

7. This motor vehicle is not necessary for the Debtor's effective reorganization.
8. Debtor has not tendered proof of insurance to Movant.
9. Capital One Auto Finance, a division of Capital One, N.A. is requesting attorney fees and costs associated with the filing of this motion.
10. Capital One Auto Finance, a division of Capital One, N.A.'s collateral is a rapidly depreciating asset.
11. Movant's collateral is rapidly depreciating, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 400l(a)(3).

WHEREFORE, Capital One Auto Finance, a division of Capital One, N.A. prays this Honorable Court for the entry of an order modifying the automatic stay pursuant to 11 U.S.C. §§ 362 and 1301(c) so as to allow Capital One Auto Finance, a division of Capital One, N.A. to take possession of one 2021 Chevrolet Traverse Utility 4D LT Cloth 3.6L V6, VIN 1GNERGKW8MJ187162, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws and to find that Federal Rule 400l(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and thus Capital One Auto Finance, a division of Capital One, N.A. may immediately enforce and implement the Order Modifying the Automatic Stay and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ James M. Philbrick

James M. Philbrick

Law Offices of James M. Philbrick, P.C.

P.O. Box 351

Mundelein, IL 60060

Phone: (847) 949-5290

jamesphilbrick@comcast.net